

Part 1

Funding the Insurance Department

31A-3-101 General finance provisions.

Department expenditures shall conform to the Legislature's appropriation adopted under Title 63J, Chapter 1, Budgetary Procedures Act.

Amended by Chapter 284, 2011 General Session

31A-3-102 Exclusive fees and taxes.

- (1) The taxes and fees under this chapter, the premium taxes under Sections 59-9-101 through 59-9-104, the fees under Section 31A-31-108, and the examination costs under Section 31A-2-205 are in place of all other license fees or assessments that might otherwise be levied by the state or any other taxing body within the state.
- (2) An insurer that is subject to premium taxes under Sections 59-9-101 through 59-9-104 is not subject to corporate franchise taxes.
- (3) Unless otherwise exempt, a licensee under this title is subject to real and personal property taxes.

Amended by Chapter 435, 2014 General Session

31A-3-103 Fees.

- (1) For purposes of this section, "services" means functions that are reasonable and necessary to enable the commissioner to perform the duties imposed by this title including:
 - (a) issuing or renewing a license or certificate of authority;
 - (b) filing a policy form;
 - (c) reporting a producer appointment or termination; and
 - (d) filing an annual statement.
- (2) Except as otherwise provided by this title:
 - (a) the commissioner may set and collect a fee for services provided by the commissioner;
 - (b) a fee related to the renewal of a license may be imposed no more frequently than once each year; and
 - (c) a fee charged by the commissioner shall be set in accordance with Section 63J-1-504.
- (3)
 - (a) The commissioner shall publish a schedule of fees established pursuant to this section.
 - (b) The commissioner shall, by rule, establish the deadlines for payment of a fee established pursuant to this section.
- (4)
 - (a) Beginning July 1, 2011, there is created in the General Fund a restricted account known as the "Insurance Department Restricted Account."
 - (b) Except as provided in Subsection (4)(c), the Insurance Department Restricted Account shall consist of:
 - (i) fees authorized by this section; and
 - (ii) other money received by the department, including:
 - (A) reimbursements for examination costs incurred by the department; and
 - (B) forfeitures collected under this title.

- (c) The department shall deposit money it receives that is subject to a restricted account or enterprise fund created by this title into the restricted account or enterprise fund in accordance with the statute creating the restricted account or enterprise fund, and the department may not deposit the money into the Insurance Department Restricted Account.
- (d) Subject to appropriation by the Legislature, the department may expend money in the Insurance Department Restricted Account to fund the operations of the department.
- (e) At the end of each fiscal year, the director of the Division of Finance shall transfer into the General Fund any money deposited into the Insurance Department Restricted Account under Subsection (4)(b) that exceeds the legislative appropriations from the Insurance Department Restricted Account for that year.

Amended by Chapter 284, 2011 General Session

31A-3-104 Technology fees -- Restricted account.

- (1) The commissioner may impose a fee for requests for information:
 - (a) that is obtained from an electronic database of the commissioner; or
 - (b) derived from data that is generated by electronic means.
- (2) In addition to any fee authorized in this title, the commissioner shall impose a supplemental fee on the issuance or renewal of any of the following issued by the department:
 - (a) a license;
 - (b) a registration; or
 - (c) a certificate of authority.
- (3) A fee imposed under this section shall be:
 - (a) established in accordance with Section 31A-3-103; and
 - (b) deposited into the Technology Development Restricted Account.
- (4)
 - (a) There is created in the General Fund a restricted account known as the "Technology Development Restricted Account."
 - (b) The Technology Development Restricted Account shall consist of the fees imposed by the commissioner in accordance with this section.
 - (c) The commissioner shall administer the Technology Development Restricted Account. Subject to appropriations by the Legislature, the commissioner shall use the money deposited into the Technology Development Restricted Account to provide services through use of electronic commerce or other similar technology.
 - (d) An appropriation from the Technology Development Restricted Account is nonlapsing.

Amended by Chapter 10, 2010 General Session

Amended by Chapter 265, 2010 General Session, (Coordination Clause)

31A-3-105 Criminal Background Check Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "Criminal Background Check Restricted Account."
- (2) The Criminal Background Check Restricted Account shall consist of the fees imposed by the commissioner in accordance with:
 - (a) Subsection 31A-16-103(3);
 - (b) Subsection 31A-23a-105(3);
 - (c) Subsection 31A-25-203(3); and
 - (d) Subsection 31A-26-203(3).

- (3) The commissioner shall administer the Criminal Background Check Restricted Account. Subject to appropriations by the Legislature, the commissioner shall use the money deposited into the Criminal Background Check Restricted Account to pay the costs the department is required to pay related to obtaining criminal background information in accordance with the provisions listed in Subsection (2)(a).
- (4) An appropriation from the Criminal Background Check Restricted Account is nonlapsing.

Enacted by Chapter 10, 2010 General Session

Amended by Chapter 265, 2010 General Session, (Coordination Clause)

31A-3-205 Taxation of insurance companies.

An admitted insurer shall pay to the State Tax Commission taxes imposed on the admitted insurer by Title 59, Revenue and Taxation.

Enacted by Chapter 123, 2005 General Session